

Sheldon Marvin Fox, II
Name
473223
Palmer Correctional Center
Prison Number
P.O. Box 919
Place of confinement
Palmer, Alaska 99645
Mailing address
N/A
City, State, Zip
Telephone

RECEIVED

JUL 10 2023

Clerk, U.S. District Court
Fairbanks, AK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Sheldon Marvin Fox, II,
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

Timothy Rosario,
Kathryn E. Mason,

(Enter full names of defendant(s) in this action.
Do NOT use *et al.*)

Defendant(s).

Case No. 4:23-cv-00014-JMK
(To be supplied by Court)

**PRISONER'S
COMPLAINT UNDER
THE CIVIL RIGHTS ACT
42 U.S.C. § 1983**

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3).

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Sheldon Marvin Fox, II
(print your name)

who presently resides at Palmer Correctional Center,
(mailing address or place of confinement)

were violated by the actions of the individual(s) named below.

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Timothy Rosario is a citizen of
Alaska, and is employed as a State Trooper.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Kathryn E. Mason is a citizen of
Alaska, and is employed as a District Attorney.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, _____ is a citizen of
_____, and is employed as a _____.
(state) (name) (defendant's government position/title)

☐ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

*****REMINDER*****

**You must exhaust your administrative remedies before your claim can go forward.
THE COURT MAY DISMISS ANY UNEXHAUSTED CLAIMS.**

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Claim 1: On or about November 22, 2022, my civil right to
(Date)
due process

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by Timothy Rosario
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

Alaska State Trooper Timothy Rosario presented false and misleading testimony, while under oath, to a grand jury in order to gain an indictment charging Mr. Fox with one count of kidnapping and one count of assault in the third degree. Alaska State Trooper Timothy Rosario knew or should have known his testimony to the grand jury was false and misleading. The Superior Court of the State of Alaska, Fourth Judicial District at Fairbanks, in an Order Granting Motion to Dismiss Indictment dated March 28, 2023, found Trooper Rosario's testimony to be false and misleading (Case No. 4TO-22-00082 CR). Trooper Rosario's false and misleading testimony caused me to be charged with an unclassified felony carrying a maximum sentence of 99 years, to be incarcerated where I had a mild heart attack and suffered the loss of my personal liberty.

Claim 2: On or about November 22, 2022, my civil right to
(Date)
due process

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by Kathryn E. Mason
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

Assistant District Attorney Kathryn E. Mason while presenting evidence to grand jury, elicited false and misleading testimony from Alaska State Trooper Timothy Rosario in order to gain an indictment charging Mr. Fox with one count of kidnapping and one count of assault in the third degree. Assistant District Attorney Kathryn E. Mason knew or should have known that she was eliciting false and misleading testimony from Trooper Rosario. The Superior Court of the State of Alaska, Fourth Judicial District at Fairbanks, in an Order Granting Motion to Dismiss Indictment dated March 28, 2023, found that Assitant District Attorney Mason violated my due process rights by eliciting false and misleading evidence before teh grand jury. The false and misleading evidence elicited by Assistant District Attorney Mason in this case (Case No. 4TO-22-00082 CR) caused me to be charged with an unclassified felony carrying a maximum sentence of 99 years, to be incarcerated where I had a mild heart attack and suffered the loss of my personal liberty.

Prisoner § 1983 - 4
PS01, Nov. 2013

(Medical care, access to the courts, due process, freedom of religion, free speech, freedom of association, freedom from cruel and unusual punishment, etc. List **only one** violation.)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, typical of notebook paper. There are no margins, text, or other markings on the page.

D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment**? XX Yes ____ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): Sheldon Marvin Fox, II

Defendant(s): Bran Wade, Mariann Chaney, and Pam Martin

Name and location of court: U.S. Dist. Court, Anchorage (?)

Docket number: Don't recall Name of judge: Burgess

Approximate date case was filed: 2013 Date of final decision: 2013

Disposition: ____ Dismissed XX Appealed ____ Still pending

Issues Raised: Due process - I think, I really don't recall

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: ____ Dismissed ____ Appealed ____ Still pending

Issues Raised: _____

3. Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

XX Yes ____ No I really do not recall why the case was dismissed

If your answer is "Yes," describe each lawsuit on the next page.

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): See above.
- b. Name of federal court See above Case number: do not recall
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
I do not recall.
- d. Issue(s) raised: I am not positive but I think it was due process
- e. Approximate date case was filed: 2013 Date of final decision: 2013

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a. Defendant(s): _____
- b. Name of federal court _____ Case number: _____
- c. The case was dismissed as: ___ frivolous, ___ malicious and/or ___ failed to state a claim
- d. Issue(s) raised: _____
- e. Approximate date case was filed: _____ Date of final decision: _____

4. Are you in imminent danger of serious physical injury? ___ Yes XX No

If your answer is "Yes," please describe how you are in danger, without legal argument/authority: _____

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 3,000,000.00
2. Punitive damages in the amount of \$ 3,000,000.00
3. An order requiring defendant(s) to not retaliate against me or my family.
4. A declaration that _____
5. Other: Costs and fees associated with this action.

Plaintiff demands a trial by jury. XX Yes _____ No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Palmer Correctional Center on 7-1-2023
(Location) (Date)

Sheldon Lee II
(Plaintiff's Signature)

Original Signature of Attorney (if any) (Date)

Attorney's Address and Telephone Number

box 919
Fairbanks, AK 99701
medium

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JUL 10 2023

Clerk, U.S. District Court
Fairbanks, AK

UNITED STATES District Court
District of Alaska
Federal building, U.S. Courthouse
101 12th Avenue, Room 332
Fairbanks, Alaska 99701

